

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-60814



In re: DOYLE SUDDUTH,

A True Copy
Certified order issued Mar 28, 2018

Movant

Stacy W. Cuyca
Clerk, U.S. Court of Appeals, Fifth Circuit

Motion for an order authorizing
the United States District Court for the
Northern District of Mississippi to consider
a successive 28 U.S.C. § 2254 application

Before REAVLEY, OWEN, and WILLETT, Circuit Judges.

PER CURIAM:

Doyle Sudduth, Mississippi prisoner # 46630, moves this court for authorization to file a successive 28 U.S.C. § 2254 application challenging his 1987 conviction and life sentence for murder. Sudduth alleges that he received ineffective assistance of counsel at trial and, further, that he was unaware of the date for jury selection.

To obtain authorization to file a successive § 2254 application, Sudduth must make a prima facie showing that (1) his “claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable” or (2) “the factual predicate for the claim could not have been discovered previously through the exercise of due diligence” and “the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder

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would have found [him] guilty of the underlying offense.” 28 U.S.C. § 2244(b)(2)(A)-(B); § 2244(b)(3)(A); *see also* § 2244(b)(3)(C).

Sudduth fails to make the requisite showing. Accordingly, IT IS ORDERED that the motion for authorization to file a successive § 2254 application is DENIED.